

REMARKS/ARGUMENTS

In the Office Action mailed March 8, 2005, claims 1-31, 34 and 35 were rejected and claims 32 and 33 were objected to. Claims 1, 2, 7, 8, 10, 11, 13, 15, 16, 21, 22, 24, 27, and 35 have been amended to clarify certain aspects of the invention and to correct typographical errors. New claims 36 and 37 have been added and are supported by the specification. No new matter has been added. Applicants have thoroughly reviewed the outstanding Office Action including the Office's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

CLAIM REJECTIONS – 35 U.S.C. §112

Claims 1-20, 22, and 24-26 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention because of a contradiction of claimed subject matter. Applicants have amended claim 1 so that the “air pump” is now a “fluid pump,” as requested by the Office. Additionally, applicants have removed the term “it” from claim 22 and replace it with “the automatic transmission fluid” and thus, Applicants respectfully request that this rejection be withdrawn.

Claims 1-20 stand rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, and such omission amounts to a gap between the necessary structural connections. Applicants have amended claim 1 to clarify the structural cooperative relationship of the elements of the claims and thus, respectfully request that this rejection be also withdrawn.

CLAIM REJECTIONS – 35 U.S.C. §102

Claims 1-3, 6, 7, 9, 13, 21-31, 34 and 35 are rejected under 35 U.S.C. §102(b) as being anticipated by Viken (Re. 36,650, hereinafter “Viken”). The Office states that Viken suggests an apparatus for testing fluid flow and flushing a transmission cooler having a user interface panel, fluid supply and fluid return lines, a pressure switch, a manual shut off valve, a filtering system, and a flow switch coupled to the return line. The Office further states that the Viken apparatus further includes a reservoir tank, that being a transmission pan, for containing automatic transmission fluid (ATF) and a heating element, that being the components of the transmission because of the transmission operation heats up the ATF, is located within the reservoir tank. The Office continues by stating that the Viken apparatus includes a fluid fill port connected to the reservoir tank, an air operated fluid pump coupled to the reservoir tank, and an air injection system coupled to the pump and supply line.

As shown below, Applicants respectfully traverse the rejection and note that Viken at least does not disclose a heating element, let alone “a heating element located within the reservoir tank,” as recited in claim 1 or “heating the supply of automatic transmission fluid with a heating element contained in a reservoir,” as recited in claim 21. Additionally, Viken does not at least disclose “means for heating located within the supply means of automatic transmission fluid,” as recited in claim 27.

Viken teaches a system for providing total fluid exchange for an automatic transmission, which interconnects with the transmission’s opened cooling system. (Abstract). The system allows for quick and random connection without being concerned with the flow direction through the cooling circuit. (Col 1, lines 34-37). However, the Office notes that the reservoir tank can be found as the transmission pan of the transmission (T) and that the heating element is

the components of the transmission that act as a heating element when the transmission is running. Applicants respectfully submit that the flushing system disclosed by Viken is a self contained system and has its own reservoir 11(see fig 2 and col. 4, lines 53-58). Viken does not disclose a heating element within its system. The transmission is not part of Viken's flushing system, rather the Viken flushing system is hooked up to the transmission for flushing it. Thus, there is no heating element disclosed in Viken as suggested by the Office.

Applicants' flushing apparatus does not claim or include a transmission as a component and has its own reservoir. Further, the applicants' flushing apparatus includes its own heating element located in the reservoir. Thus, as shown above, Viken at least does not disclose a heating element, let alone "a heating element located within the reservoir tank," as recited in claim 1 or "heating the supply of automatic transmission fluid with a heating element contained in a reservoir," as recited in claim 21. Additionally, Viken does not at least disclose "means for heating located within the supply means of automatic transmission fluid," as recited in claim 27. Applicants respectfully request that this rejection be withdrawn and allowance of these claims.

Claims 2-20 and 36 and 37; 22-26; and 28-35 depend directly or indirectly from claims 1, 21 and 27, respectively, which are believed to be in condition for allowance, thus, applicants also request allowance of these dependent claims.

CLAIM REJECTIONS – 35 U.S.C. §103

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Viken. Because claim 11 depend from claim 1, which is believed to be in condition for allowance, this claim is also believed to be allowable. Withdrawal of the rejection is respectfully requested.

CLAIM OBJECTIONS

Claims 4, 5, 8, 10, 12, 14-20 and 32 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if amended to overcome the above rejections under 35 U.S.C. §112 (except claims 32 and 33) and rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Office for allowing these claims. Applicants believe their respective independent claims are now in condition for allowance and request the Office to allow these claims without having to be rewritten in independent form.


CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If it is believed that the application is not in condition for allowance, the Examiner is requested to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

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Application No.: 10/735,617
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Enclosed is a check in the amount of \$100 for the two new dependant claims that have been added. In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit overpayments to Deposit Account No. 50-2036.

Respectfully submitted,
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